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November 17, 2020

VIA ECF

The Honorable Judge John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

APPLICATION GRANTED  
SO ORDERED

John G. Koeltl, U.S.D.J.

11/18/20

Re: *Cengage Learning, Inc. et al. v. Trung Kien Nguyen et al.*  
S.D.N.Y. Case No. 20-cv-769-JGK

Dear Judge Koeltl:

We represent Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Elsevier Inc., McGraw Hill LLC, and Pearson Education, Inc. ("Plaintiffs") in the above-referenced action. We write to seek leave to file under seal Plaintiffs' Proposed Default Judgment and Permanent Injunction Order ("Proposed Order"). Plaintiffs will file a redacted version of the Proposed Order on ECF, which will include all of the contents except the financial account numbers on Appendices D, E, and F.

Plaintiffs' sealing request should be granted because these Appendices contain Defendants' full financial account numbers. Federal Rule of Civil Procedure 5.2(a)(4) mandates that, unless the Court orders otherwise, financial account numbers should be redacted. Plaintiffs seek to include the full account numbers under seal in the Proposed Order in order to ensure that the financial institutions to which they provide the order can identify the relevant accounts.

Based on the above, the continuum that the Court applies, and the balancing of interests, Plaintiffs have overcome the presumption of a public filing. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Indeed, the only information that is withheld from the public is the Defendants' financial account numbers. This, by its nature, is private information as to the account holder, and is not

the type of information that sealing will impact the judicial process or deprive the public of needed information. *See id.*

Plaintiffs are aware that, absent an order granting this sealing request, the Proposed Order will become public.

Thank you for the Court's consideration of this request.

Sincerely,

/s. Matthew I. Fleischman

Matthew I. Fleischman